

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

DELAINA BARNEY

Plaintiff,

v.

AKRON BOARD OF EDUCATION

Defendant.

) Civil Action No. 5:16-CV-00112

) JUDGE BENITA Y. PEARSON

) MOTION TO SUPPLEMENT

) AFFIDAVIT OF JASON WALLACE

Now comes Counsel for Delaina Barney, Jason D. Wallace (“Counsel”), who hereby submit this Motion to Supplement his affidavit located at Doc #: 45-5, PageID##: 1369-1371. The reason for this Motion is due to new information that only recently became available regarding Counsel’s ability to pay any potential award of costs or fees sought by Akron Board of Education (“ABE”) in *its Motion for Attorney Fees and costs* located at Doc #: 38. Counsel seeks to apprise this Honorable Court of this information so it can be considered should the Court grant ABE’s requests for attorney’s fees and costs.

As discussed in the *Opposition to Appellee’s Motion for Attorney Fees* located at Doc #: 45, the financial ability of a person to pay costs should be taken into consideration by the Court *if* it grants ABE’s *Motion for Attorney Fees and Costs*. *Opposition to Appellee’s Motion for Attorney Fees*, Doc #: 45, PageID #: 1354. Recently, Counsel has withdrawn from every case he is not personally involved in due to lawsuits raised against him and he is otherwise not working in any capacity, nor is he able to do so due to his chronic health condition. *See* Affidavit of Jason Wallace in *Nordonia Hills City Schools District v. Wallace et al*, 5:16-cv-01973-JRA, Doc #: 97-4, PageID #: 1658-1660. Further, Counsel has poor credit, no assets, no automobile, is struggling to pay his current obligations, and was recently approved for Social Security Disability Insurance Benefits (“SSDI”) from the United States Social Security Administration. *Id.*; see also attached Exhibit 1, Benefit Verification Letter from the Social Security Administration (showing Counsel is

now receiving monthly benefits since he is no longer able to work in any capacity). It is only because this information is new due to Counsel's worsening medical condition and the SSDI determination from the Social Security Administration was recently received that Counsel submits the instant Motion.

WHEREFORE, Jason Wallace prays this Honorable Court will consider the supplemented material regarding his financial condition *if* it grants ABE's request for fees and costs.

Respectfully submitted,

/s/ Jason Wallace

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CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2018, a copy of this pleading was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Jason Wallace

Jason Wallace (0090167)

Attorney for Plaintiff-Appellant Delaina Barney